

Appl. No. 09/707,167  
Response dated November 7, 2003  
Reply to Office action of June 18, 2003

### **REMARKS/ARGUMENTS**

By the present amendment, claims 22, 25 and 33 have been amended rendering claims 18, 20 and 22-35 pending in the application. Claim 22 has been amended into independent format and claim 25 has been amended to replace the phrase "results in" with "follows" consistent with page 28, lines 19-22 of the application. Claim 33 has been amended as described below. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. The amendment does not contain any new matter and its entry is respectfully requested.

The Official Action dated June 18, 2003 has been carefully considered. It is believed that the claim amendment and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

#### **35 USC §112, Second Paragraph**

The Examiner has objected to claim 33 under 35 USC §112, second paragraph as being indefinite. In particular, the Examiner states that the phrase "the protein target molecule" does not have sufficient antecedent basis in claim 29 from which claim 33 depends. In response, claim 33 has been amended in order to provide antecedent basis for the phrase within claim 33.

In view of the foregoing, we respectfully request that the objection to claim 33 under 35 USC §112, second paragraph be withdrawn.

#### **Double Patenting**

The Examiner has objected to claims 18, 20, 29-30 and 35 under the judicially created doctrine of the obviousness-type double patenting over claims 1-2, 5 and 7-9 of U.S. Patent No. 6,509,453. The Examiner has also objected to claim 29 under the judicially created doctrine of double patenting over claims 37, 41, 45 and 48 of copending Application No. 10/260,960. In response, we enclose a Terminal Disclaimer over U.S. Patent No. 6,509,453 and U.S. application No. 10/260,960 to be entered in the above-referenced patent application.

Please charge the government fee of \$55.00 (small entity) required for recordal of the Terminal Disclaimer to our Deposit Account No. 02-2095.

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The Commissioner is hereby authorized to charge any fee (including any claim fee) which may be required to our Deposit Account No. 02-2095.

In view of the foregoing comments and amendments, we respectfully submit that the application is in order for allowance and early indication of that effect is respectfully requested. Should the Examiner deem it beneficial to discuss the application in greater detail, he is kindly requested to contact the undersigned by telephone at (416) 957-1682 at his convenience.

Respectfully submitted,

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